Ministry of Justice

Public Complaints Commission

Annual Report for 2014-15

saskatchewan.ca

Government of Saskatchewan

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This annual report is also available in electronic format from the Ministry's website at www.saskatchewan.ca.

Letters of Transmittal

The Honourable Gordon S. Wyant, Q.C. Minister of Justice and Attorney General

Her Honour, the Honourable Vaughn Solomon Schofield,
Lieutenant Governor of Saskatchewan

May it Please Your Honour:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Public Complaints Commission Annual Report for the period ending March 31, 2015.

Gordon S. Wyant, Q.C.
Minister of Justice and Attorney General

W. Brent Cotter, Q.C. Chair

The Honourable Gordon S. Wyant, Q.C.
Minister of Justice and Attorney General

Dear Sir:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Public Complaints Commission Annual Report for the period ending March 31, 2015.

W. Brent Cotter, Q.C.
Chair

Government of Saskatchewan

Mission Statement

The Public Complaints Commission (PCC) is an independent panel of non-police persons appointed by the Saskatchewan Government to ensure that both the public and the police receive a fair and thorough investigation of a complaint against the municipal police in Saskatchewan.

One of the main functions of the police is the protection of the general public. Police services realize that their officers must maintain a high degree of public support to effectively carry out their duties. It is recognized that occasions arise when citizens feel they have not been treated fairly by a police officer. For that reason a citizen complaint procedure was set out in *The Police Act, 1990*. It is in the best interest of the public and the police to have citizens' complaints resolved in order to maintain the spirit of co-operation that now exists.

Governing Legislation

Role of the Public Complaints Commission

The PCC consists of five persons, including a chairperson and a vice-chairperson who are appointed by the Lieutenant Governor in Council. By legislation, at least one member must be a person of First Nations ancestry, at least one member must be a person of Métis ancestry, and at least one member must be a lawyer. The chairperson has the delegated authority to exercise the powers and to perform the duties imposed on the PCC.

Canada has long been recognized as a leader in the civilian oversight of the police. In 1992 Saskatchewan introduced legislation that identified a specific agency to address public complaints.

On April 1, 2006, following a consultation process with the Saskatchewan Association of Chiefs of Police, the Federation of Saskatchewan Indian Nations (FSIN), the Saskatchewan Federation of Police Officers, Métis Family and Community Justice Services, and local police boards, the PCC was created. The PCC replaced the office of the Saskatchewan Police Complaints Investigator.

Pursuant to subsection 39(1) and (2) of *The Police Act, 1990*, the duties of the PCC are as follows:

1. Where the PCC receives a public complaint pursuant to section 38, the PCC shall:
   a. record the complaint received;
   b. establish and maintain a record of all public complaints received by the police services and their dispositions;
   c. inform, advise and assist complainants;
   d. advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;
   e. monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; and
   f. inspect annually, or at those times directed by the Minister, the records, operations and systems of administration for the handling of public complaints by police services.
2. In exercising the duties of the PCC pursuant to this section, the PCC:
   a. shall receive and obtain information respecting a public complaint from the complainant;
   b. may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;
   c. may request access to any files or other material in the possession of the police service relevant to a public complaint; and
   d. may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

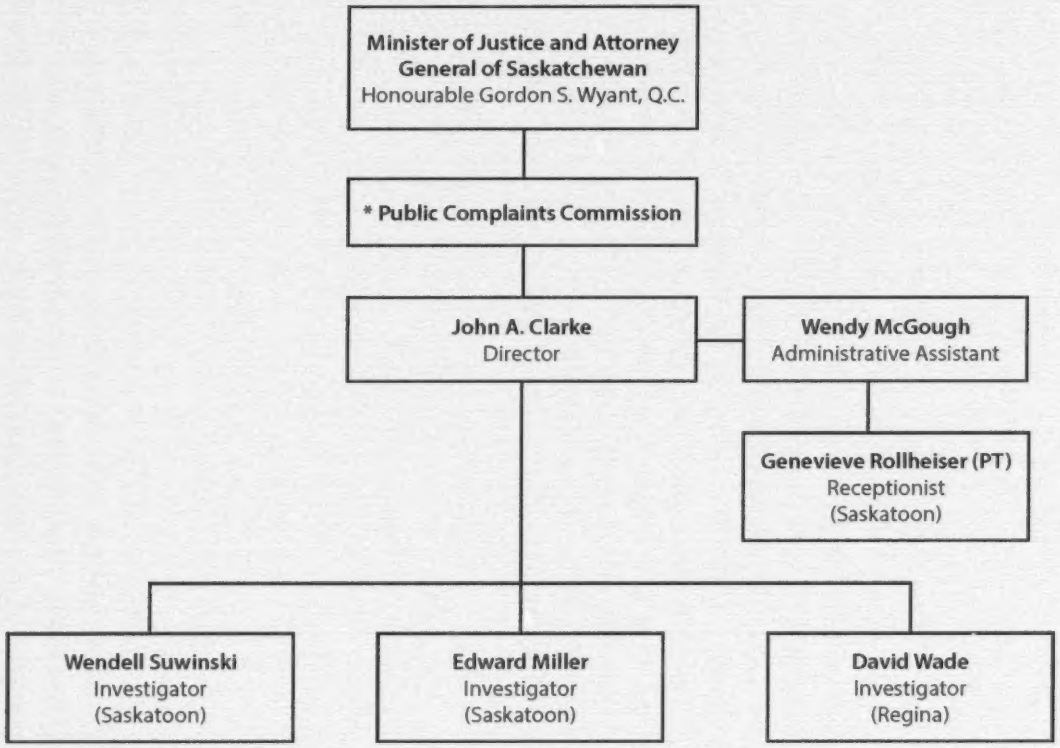
The PCC determines whether the investigation of a public complaint will be conducted by:

- the PCC investigative staff;
- the police service whose member is the subject of the complaint;
- the police service whose member is the subject of the complaint with the assistance of an observer appointed by the PCC to monitor the investigation and report to the PCC; or
- a police service other than the police service whose member is the subject of the complaint.

The Police Act, 1990 states that the Chief of Police is responsible for the maintenance of discipline. Although the majority of the PCC's findings are accepted by police chiefs, the findings are not binding on the chiefs.

From time to time, differences of opinion with police chiefs have arisen and have resulted in healthy debate. While consensus is not always reached, the differences speak to the independence of the PCC.

Organizational Structure



*The PCC consists of five individuals including a chairperson and vice-chairperson. Members are appointed by the Lieutenant Governor in Council.

Public Complaints Commission

Members of the Public Complaints Commission

Members are appointed for a three-year term and may be reappointed for a second term of the same duration. However, no member may be appointed to more than two successive terms.

Members meet twice a month to review new complaints, receive briefings on current investigations, and reach consensus on final determinations of completed investigations that culminate in written decisions.

Chair:

W. Brent Cotter, Q.C., Saskatoon

Vice Chair:

Catherine M. Knox, Lawyer, Saskatoon

Members:

- Arne Lindberg, Prince Albert, an instructor at Saskatchewan Polytechnic in Prince Albert, former school principal and Prince Albert City Councillor
- Marjorie LaVallee, Regina, an education consultant and non-government liaison and permanent member of the Indigenous Peoples Permanent Forum with the United Nations
- Michel Maurice, Saskatoon, Métis Elder

Director:

John Clarke, responsible for the administration and daily operation of the PCC.

Administrative Staff/Accommodation

Saskatchewan Public Complaints Commission (Regina)

Suite 300 – 1919 Saskatchewan Drive
REGINA SK S4P 4H2

Telephone: (306) 787-6519
Fax: (306) 787-6528
Toll Free: 1-866-256-6194

Saskatchewan Public Complaints Commission (Saskatoon)

916 – 122 3rd Avenue North
SASKATOON SK S7K 2H6

Telephone: (306) 964-1450
Fax: (306) 964-1454

Website: www.publiccomplaintscommission.ca

Message from the Chair

The PCC is an independent agency of the Government of Saskatchewan mandated to provide civilian oversight of the conduct of municipal police officers in Saskatchewan.

The Commission in its present formation was established by amendments to *The Police Act, 1990* in 2006 following a remarkable process of collaboration led by then Deputy Minister of Justice Doug Moen and included representatives of the Chiefs of Police, police associations, the RCMP, the Federation of Saskatchewan Indian Nations (FSIN) and the Métis Nation of Saskatchewan.

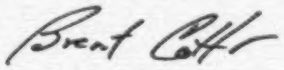
During its first nine years of existence, the Commission has received and dealt with over 1,000 civilian complaints. All complaints of misconduct by municipal police officers are referred to the Commission. In order to avoid the perception that the 'police investigate themselves', sensitive and controversial complaints are assigned by the Director for investigation by the Commission's investigators. Less serious and less sensitive complaints are often referred for investigation to the police service from which the complaint arose, all under the oversight of the Commission itself. As well, the Special Investigation Unit of the FSIN provides assistance to the Commission and liaises with complainants of First Nations ancestry. The legislation provides significant authority to investigators in the conduct of their work, and the quality, diligence and integrity of the investigations undertaken under the authority of the Commission has rarely been questioned.

While the Commission continues its work under the guidance of its Director, John Clarke, to whom much of its success and professionalism is owed, this year has been a year of significant transition. The founding Chair of the Commission, Robert Mitchell, Q.C. retired, as did Commission members Loretta Elford and Ray Fox. All three served as Commissioners since 2006. The Commission is deeply indebted to them, and in particular to Mr. Mitchell, who led the Commission with dignity and distinction for nearly nine years.

Complaints continue to be handled with integrity and fairness, and we believe that in its work of civilian oversight the Commission continues to retain the respect of civil society, Aboriginal organizations and the professional policing community.

As this annual report notes, the Commission has continued its professional work of civilian oversight. The number of complaints to the Commission has increased in 2014-15, returning to traditional levels. The Commission has begun work analyzing the results of its nearly ten years of existence, as well as a review of its legislative mandate, and undertaken consultations on various policies of the Commission, work that we are confident will benefit the Commission, civil society and the policing community in the years to come.

As has been the case since the creation of the Commission in 2006, we continue to strive to ensure: (a) that citizen concerns about their engagements with the police are given fair, adequate and independent consideration; (b) that our work assists in providing guidance to policing community; and (c) that our work continues to build public confidence in those members among us – the police - who are entrusted to keep the peace in our communities.



W. Brent Cotter, Q.C.
Chair

Progress in 2014-15

2014-15 Key Commitments

- Ensure the mandate of the PCC to receive, review and investigate complaints against Saskatchewan municipal police officers is provided in a timely effective manner.
- Actively pursue a role with the Canadian Association of Civilian Oversight for Law Enforcement (CACOLE) and continue a positive interaction with our federal and provincial counterparts.
- Engage with the Civilian Review and Complaints Commission for the RCMP, maintaining a relationship and continue working to establish local protocols addressing complaints against joint forces units involving RCMP and municipal police officers.
- Continue to lecture at the Saskatchewan Police College on the issues surrounding the public complaint process to recruits, field trainers and police supervisors.
- Continue evaluation of the informal resolution process to gain greater support from the policing community with a view to resolving appropriate complaints without a formal investigation.
- Host a training seminar to review the public complaint process with particular attention to informal resolution.
- Maintain relationships with all stakeholders.

2014-15 Results

- The PCC's workload increased 25% from the previous reporting period. This does not indicate a substantial increase in complaints received; rather it reflects a return to average numbers. Of interest is the decrease in the number of complaints forwarded to the PCC by municipal police agencies and the proportional increase in the number of complaints received in person at our two office locations and on the PCC's website. These numbers are provided in the Performance Measurement component of this report under *"Incidents Received by Source."*
- As in previous years the PCC remains an active participant in CACOLE. The Chair and Director attended the annual conference hosted in Victoria, BC, where Chair Robert W. Mitchell, Q.C. was the keynote luncheon speaker. Mr. Mitchell spoke on the evident truth and continuing validity of Peel's Principals of Policing.
- The PCC continued our relationship with the Commission for Public Complaints Against the RCMP which, with the recent amendments to the *Royal Canadian Mounted Police Act*, has been renamed The Civilian Review and Complaints Commission for the RCMP. As noted in previous reports, challenges continue with situations where public complaints are received against joint forces units operating in Saskatchewan involving municipal police officers and members of the RCMP.
- The PCC's lectures at the Saskatchewan Police College were limited to two recruit classes for this reporting period. These lectures continue to provide a meaningful explanation of the public complaint process to the police recruits. The PCC remains committed to providing lectures to police in-service training, particularly to supervisors and recruit field training officers. The PCC Chair was the guest speaker at the graduation ceremonies of Recruit Class #69.
- Training was provided to a group of Special Constables employed by the City of North Battleford and who are engaged in the enforcement of municipal bylaws and some provincial statutes.
- The PCC is hosting a fall seminar in 2015 to focus our continuing efforts towards a much improved informal resolution process.
- Contact was maintained with the stakeholders: Saskatchewan Ombudsman; Saskatchewan Human Rights Commission; Public Prosecutions Division of the Ministry of Justice; Saskatchewan Police Commission; and Saskatchewan Police College.
- The PCC attended annual meetings of the Saskatchewan Federation of Police Officers and the Saskatchewan Association of Chiefs of Police. These meetings are critical to the maintenance of excellent working relationships and the furtherance of the public complaint process within the province.
- The PCC's relationship with the Federation of Saskatchewan Indian Nations – Special Investigations Unit continues to improve with a heightened awareness of our respective responsibilities based upon mutual respect.

2014-15 Matters of Concern

The deployment of Conducted Energy Weapons (CEWs) by municipal police officers is gradually increasing; the use of the weapon has been and will continue to be closely monitored by the PCC. The Saskatchewan Police Commission and each municipal police service equipped with CEWs have strict operating policies designed to ensure the appropriate use of this weapon. Use of this weapon in circumstances that are not covered by operational policies may constitute misconduct as identified at section 36(f)(ii) of the Code of Conduct, *Municipal Police Discipline Regulations, 1991* as an abuse of authority by using unnecessary force.

The PCC is concerned with the inappropriate exercise of the powers of arrest in some instances where the arrest or detention of an individual is not supported by the circumstances faced by a police officer.

2015-16 Plans

- Continue, as in previous years, to ensure that the mandate of the PCC is carried out in an expeditious manner.
- The PCC will celebrate its 10th anniversary in 2016 and will host the CACOLE annual meeting and conference in Saskatoon and at Wanuskewin Heritage Park.
- In conjunction with our 10th anniversary, the PCC has initiated and will continue to review its legislated mandate to determine ways in which the current legislation can be strengthened to meet public expectations.
- A community awareness program is currently under development to raise the PCC's public profile. This program will be developed in consultation with our stakeholders. It is anticipated the program will be ready for the fall of 2015.

2014-15 Performance Measures

The statistics set out in the tables on this page are for the period April 1 to March 31, for the fiscal years 2011-12, 2012-13, 2013-14 and 2014-15. The following pages show the breakdown of complaints for each of the ten municipal police services and four rural municipality police services in the province during the 2014-15 fiscal year.

Number of Complaint Files Opened

Police Service	2011-12	2012-13	2013-14	2014-15
Regina	45	57	44	51
Saskatoon	75	54	38	50
Moose Jaw	4	4	1	4
Prince Albert	5	7	1	13
Estevan	3	4	9	1
Weyburn	1	1	1	3
Caronport	0	0	0	0
Dalmeny	0	0	0	0
File Hills	4	2	0	0
Luseland	0	0	0	1
R.M. of Corman Park	2	0	0	0
R.M. of Lakeland	2	0	1	0
R.M. of Vanscoy	0	0	0	0
R.M. of Wilton	0	0	0	0
Safer Communities & Neighbourhoods	0	0	1	0
Town of Rosetown	0	0	0	1
Total Number of Files	141	129	96	124

The table below shows the percentage of complaint files that fall within certain time-frames, during which the complaint is received, investigated, reviewed and the complainants are advised of the action taken with respect to their concerns.

Percentage of Complaint Files Completed Within Given Time-frames

Days	2011-12	2012-13	2013-14	2014-15
0 – 30	28	27	28	27
31 – 60	6	5	10	8
61 – 90	3	6	5	6
91 – 120	6	2	6	1
121 – 150	3	3	1	2
151 – 180	1	2	3	2
Over 181	6	9	7	12
Pending	47	46	40	42

Statistical Data

Findings of Complaints Received

April 1, 2014 to March 31, 2015

Police Service	Sub-stantiated	Unsub-stantiated	Unfounded	Withdrawn/ Other	S.45(5)**	Informal Resolution	Service/ Policy	Not Yet Completed	Total
Regina	3	3	16	4	8	0	2	23	59
Saskatoon	2	1	14	6	7	1	0	21	52
Moose Jaw	0	0	1	0	2	0	0	1	4
Prince Albert	0	1	2	4	1	1	0	5	14
Estevan	0	0	0	1	0	0	0	0	1
Weyburn	0	0	1	2	0	0	0	1	4
Caronport	0	0	0	0	0	0	0	0	0
Dalmeny	0	0	0	0	0	0	0	0	0
File Hills	0	0	0	0	0	0	0	0	0
Luseland	0	0	0	0	0	0	0	0	0
R.M. Corman Park	0	0	0	0	0	0	0	0	0
R.M. Lakeland	0	0	3	0	0	0	0	0	3
R.M. Vanscoy	0	0	0	0	0	0	0	0	0
R.M. Wilton	0	0	0	0	0	0	0	0	0
Town of Rosetown	0	0	0	0	0	0	0	1	1
Total*	**5**	**5**	**37**	**17**	**18**	**2**	**2**	**52**	**138**

*While only 124 complaints were filed, some had multiple complaints and findings.

**Under section 45(5) of *The Police Act, 1990* circumstances did not require investigation or, during the course of the investigation, it was determined that circumstances no longer supported the continuation of the investigation.

Classification of Substantiated and Unsubstantiated Complaints

April 1, 2014 to March 31, 2015

Police Service	Substantiated	Description
Regina	2	36Av
	1	36C
Saskatoon	2	36Av
Police Service	**Unsubstantiated**	
Regina	2	36Av
	1	36C
Saskatoon	1	37Ei
Prince Albert	1	37C

Definition of Complaint Findings

- Substantiated – supported by evidence
- Unsubstantiated – allegation cannot be proved or disproved
- Unfounded – unsupported by evidence

Definition of Descriptions

- 36Av - Discreditable Conduct
- 36C - Neglect of Duty (Major)
- 37C - Neglect of Duty (Minor)
- 37Ei - Abuse of Authority – Discourtesy/Uncivil

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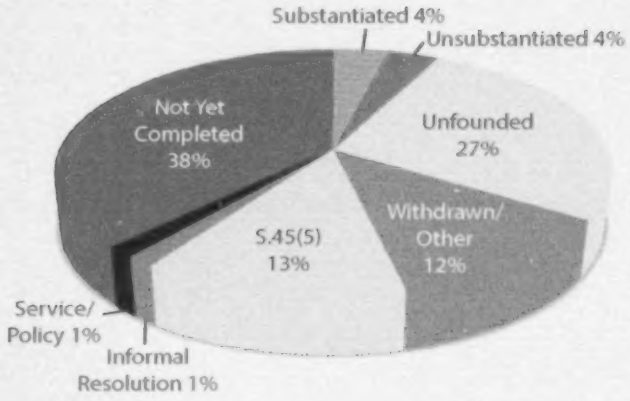
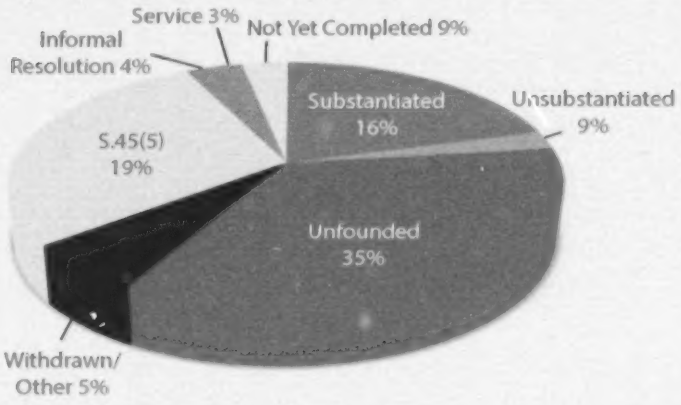
Complaint Findings

April 1, 2014 to March 31, 2015



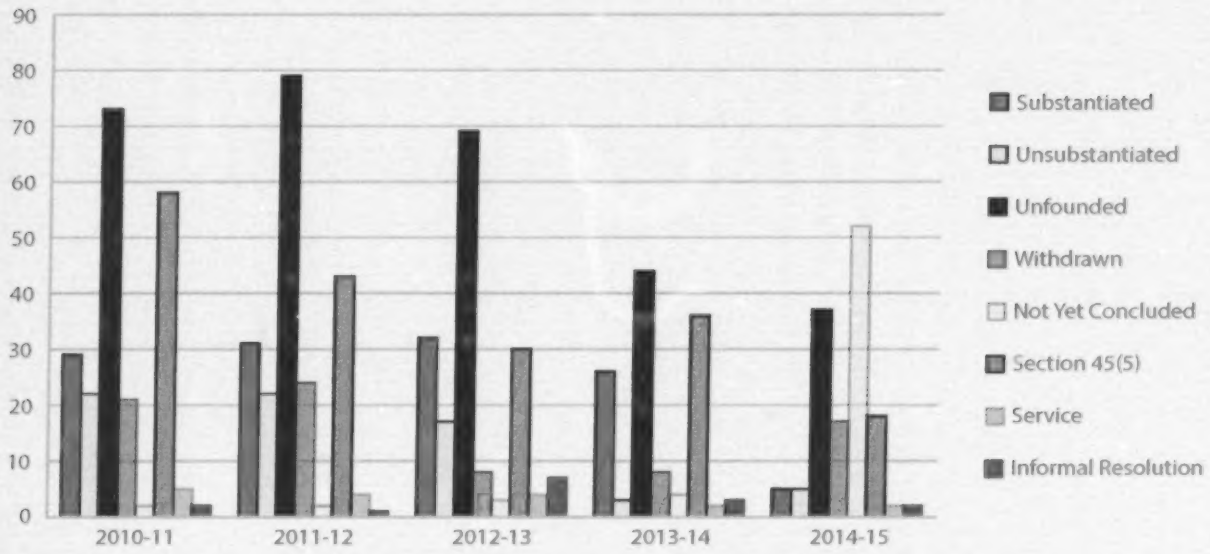
Revised Complaint Findings

April 1, 2013 to March 31, 2014



Five-year Comparative Statistics

2010-11 to 2014-15



This table shows the status of complaints filed in each fiscal year as of March 31, 2015.

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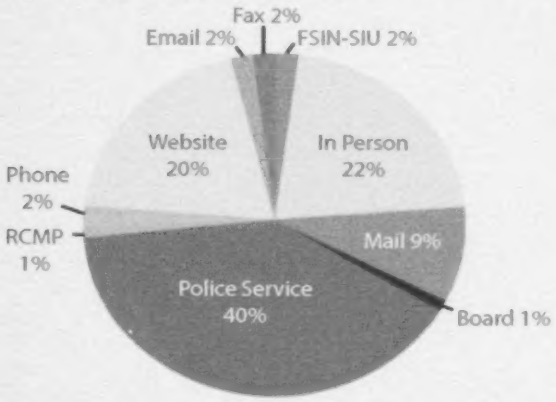
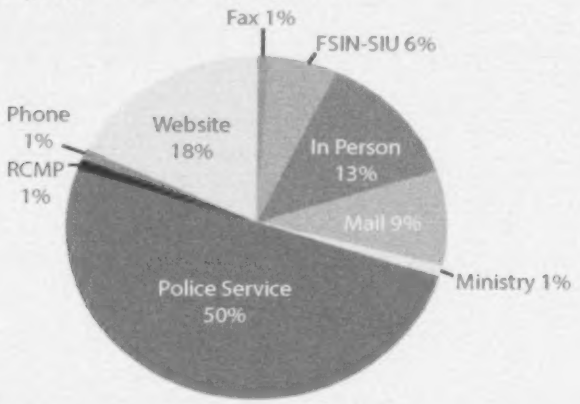
Incidents Received by Source

April 1, 2014 to March 31, 2015



Incidents Received by Source

April 1, 2013 to March 31, 2014



Type of Complaints Received

April 1, 2014 to March 31, 2015

	Regina	Saskatoon	Moose Jaw	Prince Albert	Estevan	Weyburn	Caronport	Dalmeny	Luseland	File Hills	Corman Park	Lakeland	Vanscoy	Wilton	Rosetown	Total
Type of Complaint																
Discreditable Conduct	13	12	1	2	0	1	0	0	0	0	0	1	0	0	0	30
Neglect of Duty	11	11	1	5	0	1	0	0	0	0	0	2	0	0	0	31
Insubordination	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Improper Disclosure of Information	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Corrupt Practice	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Abuse of Authority																
Improper Arrest	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Unnecessary violence	4	3	1	1	0	0	0	0	0	0	0	0	0	0	0	9
Discourtesy/Uncivil	2	4	0	1	0	0	0	0	0	0	0	0	0	0	0	7
Improper Use of Firearms	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Damage to Police Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Wearing of Uniform	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Misuse of Liquor /Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Others	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
Not Yet Completed	23	21	1	5	0	1	0	0	0	0	0	0	0	0	1	52

Case Summaries

The case summaries provided are a cross-section of the types of complaints received.

Mr. R

Mr. R's complaint related to the actions of a police officer who dealt with him during the early morning hours. He alleged that the officer acted in a discreditable manner by using improper language, demanded he identify himself and accompany the officer without proper authority. The investigation was conducted by a PCC investigator.

Mr. R stated that he was standing outside a licensed premise having a private conversation with his girlfriend, not fighting. He was aware that there had been a disturbance which had ended when police officers arrived, but he had not been involved. He stated that an officer spoke to him from his vehicle and questioned him and his girlfriend more than once as to whether there was a problem. Mr. R believed the officer was trying to "create a scene" and declined to respond and told the officer to stop harassing him. The officer advised him that police were responding to a reported fight, and it appeared he had been fighting. Mr. R indicated that the officer exited his vehicle and screamed a demand that he provide identification. Mr. R was of the opinion that he had done nothing wrong, and the officer's accusatory tone was ridiculous. Mr. R resisted the officer's request for identification and the request to join the officer in the police vehicle. He stated the officer threatened to arrest him. Eventually, the officer drove Mr. R home and directed him not to see his girlfriend for the remainder of the night.

Mr. R was of the opinion the officer acted improperly, the officer did not speak to his girlfriend to determine what had occurred and had no authority to take him home or direct him not to see his girlfriend.

Information related to the incident was obtained from the female who was with Mr. R when the officer approached. Her information was consistent with that of Mr. R. She said that when police officers arrived, Mr. R was in the midst of a group of people who had exited the bar after the disturbance inside had been resolved. She indicated that both had consumed several alcoholic drinks. She also confirmed that after Mr. R was taken away by the police officer, Mr. R made arrangements to meet her.

Police service reports, records and officers' notes and statements were reviewed. Police officers were dispatched to a report of a disturbance and fighting at a licensed premise. At least three officers, including a supervisor, attended and found a group of people outside the bar milling about. There was no fighting taking place; officers did not know who had been involved. One or more officers entered the establishment to ascertain what occurred.

An officer stated he remained outside. He observed Mr. R outside engaged in what appeared to be a verbal argument with a female. The officer confirmed that he asked if there was a problem; Mr. R responded profanely. The officer stated that he requested Mr. R's identification, and he refused. The officer said that he exited the vehicle and told him to get in the police car or he would be arrested for public intoxication. Mr. R complied. The officer believed that he was under the influence of liquor and his actions would contribute to a disturbance. It was determined that Mr. R was not involved in the fight inside the bar; however, Mr. R acknowledged arguing with his girlfriend about whether or not to go home. During the interaction, the officer acknowledged referring to "sorry drunken ass losers" during a conversation related to repeated police attendance at similar incidents. The officer also confirmed that he told Mr. R that he had the choice of being taken into custody for public intoxication or be taken home, on his assurance that he would not return to the location. Mr. R chose to go home.

Another officer had passed Mr. R as the officer entered the premise and noted that Mr. R appeared to arguing with a female. When the officer came out he observed Mr. R yelling and swearing at the first officer before accompanying the officer to the police car. The officer formed the opinion that Mr. R was under the influence of alcohol.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and recommended that the conduct of the officer does not warrant disciplinary action.

The PCC was satisfied that Mr. R's concerns were thoroughly investigated and reviewed. There was no substantial disagreement in his version of events and that of the police officer(s) other than differing perceptions of the others' demeanor. The PCC understands that Mr. R did not believe he had done anything to warrant the police officer's attention. Mr. R underestimated the circumstances, there had been a disturbance, and he was in the vicinity of a number of people, many of whom had been drinking, outside the licensed premise. Mr. R was arguing with another person and visibly under the influence of an intoxicant. There was valid concern the disturbance could renew.

The circumstances suggested that the police officer had reasonable grounds to lawfully take Mr. R into custody without warrant under the authority of provincial legislation related to detention of intoxicated individuals or *Criminal Code* authorities related to preventing breach of the peace or causing a disturbance. In this case, the officer exercised discretion and restraint and provided Mr. R the opportunity to an alternate solution to detention by agreeing to be taken home.

Mr. R may have found the officer's approach unreasonable, however given the circumstances, although blunt and direct, the officer was dealing with a group of people, many who had been drinking. It is not established that the officer's conduct was inappropriate.

The PCC concluded that improper action by the officer was not supported and therefore no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*.

Mr. S

The complaint of Mr. S related to the actions of a police officer in response to a complaint that his ten year-old grandchild had been assaulted. Mr. S was informed that on the way from school, the youth had been grabbed by an adult, shaken and thrown to the ground. Mr. S was also informed that the matter had been reported to the school's administration and the police service school liaison officer. Mr. S alleged that the matter was improperly investigated, in part due to racism, as no action was taken against the adult involved and no charges resulted.

The police service reports and records were reviewed and indicated that the school resource officer was advised of the incident by a representative of the administration at the school. The officer subsequently spoke to one of the parents of Mr. S's grandchild. The officer determined the identity of the adult involved and contacted that person who acknowledged the incident and was apologetic. Six days later his grandchild and another witness attended the police service office and provided statements related to the incident. Electronic records indicated that the officer accessed these statements a couple of days later and had the opportunity to review it at that time. The officer concluded that no further action was warranted.

Upon becoming aware of Mr. S's concerns, a more senior police officer was assigned to review the matter. At that time, some reports had not been processed and the original investigator was away from normal duties on training. When he returned to duty, the related investigational material was reviewed. The senior officer formed the opinion that charges were warranted in the circumstances and provided this guidance to the original investigating officer. A charge was initiated.

In due course, the PCC was advised of Mr. S's complaint and the follow-up action by the police service.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and recommended that the conduct of the officer did not warrant disciplinary action.

The PCC reviewed the actions of the original investigating officer in these circumstances and found a degree of neglect indicated, in that the officer appeared to come to his determination prior to speaking to the children involved or taking written statements from them. The PCC requested the Chief of Police revisit his findings taking into consideration the observations of the PCC. The PCC was advised that upon further review, the Chief of Police agreed that the initial investigation was inadequate. Advice as to Future Conduct,

pursuant to *The Municipal Police Discipline Regulations, 1991*, was provided to the officer.

The PCC was satisfied that the police service took Mr. S's concerns very seriously and concluded that action appropriate to the circumstances had been taken.

The PCC recognizes the value of police services' school liaison programs and efforts to use innovative strategies to resolve problems and conflicts. There, however, remains a need for appropriate police action based on a thorough and impartial discovery of facts. Police officers are not required to invariably make the right decision on a judgement call, but the officers have to follow a proper process before arriving at the wrong one. In this case, there was no evidence the officer acted with malice or in bad faith; the officer simply failed to gather sufficient facts before deciding a course of action. There was no reasonable basis to suggest bias.

Mr. G

Mr. G stated that he was stopped by two police officers and charged with driving a vehicle with a damaged windshield. He alleged that one of the officers was rude and that he was harshly treated.

In his letter to the Chief of Police, Mr. G stated in part, *"So I request an investigation as this officer needs more training to learn to better communicate with politeness and with respect to senior citizens. He is penalizing me because I tell the truth as it is if he does not like it, he doesn't have to abuse the authority given to by the public like me. Please answer me in writing and cancel the unnecessary ticket."*

Mr. G was informed that the PCC is an independent authority appointed by the government to provide civilian oversight of public complaints against municipal police in Saskatchewan. The role of the PCC is to ensure the public and the police are provided an impartial and thorough investigation and/or review of a complaint against the police.

Mr. G was advised that when issued, traffic tickets become court documents. Mr. G had the option of paying the fine voluntarily or appearing in court on the date indicated on the traffic ticket. It would, therefore, be highly inappropriate for the PCC to comment on the circumstances surrounding the traffic ticket as it is the court's responsibility to determine the value of the evidence presented and to determine innocence or guilt.

Each of the police vehicles used in general patrol and traffic enforcement are equipped with an "in car" video camera and each officer is equipped with a microphone to record conversations between the police and those individuals who are stopped. The audio-visual recording of Mr. G's traffic stop was reviewed and did not support his allegation that the officer was rude or treated him harshly.

The officer attempted to provide Mr. G, in a calm manner, the reasons why he was stopped and why he could not operate a vehicle with a damaged windshield. Mr. G argued with the officer and talked over the officer as he attempted to respond to Mr. G's questions.

The PCC was satisfied the officer's conduct was not inappropriate. The PCC determined that Mr. G's allegation was without merit and directed that no further investigation was required.

Mr. B

Mr. B's complaint related to the actions of police officers who arrested and detained him. He alleged the officers used improper and unnecessary force.

Mr. B stated that a police officer approached him on a hotel parking lot and asked him to come to the police car when another officer grabbed Mr. B forcefully from behind. Mr. B and others heard a noise which was believed to be his arm breaking. Mr. B acknowledged that he was extremely intoxicated with limited recollection of the events. He believed that he would have been more cooperative had his arm not been injured.

Mr. B reported that he had discomfort from the arm injury; however, approximately two months after the arrest, when he provided his statement regarding this incident, he had not yet sought medical examination of any injury.

Police service records, reports and officers' notes and statements were reviewed. An officer reported that while on patrol, his attention was drawn to a group of people on

a hotel parking lot. Mr. B was shouting, had taken his shirt off and appeared to be inviting others to fight. The officer approached and spoke to him in an attempt to distract Mr. B from his behaviour. He was intoxicated, highly agitated, and indicated he was upset about an unspecified domestic matter. The officer stated that Mr. B continued to be aggressive and shouted repeated aggressive comments towards other males in the area. The officer stated that he took hold of Mr. B's arm and advised him that he was under arrest. It was reported that Mr. B pulled away and commented that he would not be handcuffed. The officer stated that he continued to speak to Mr. B, but awaited the arrival of other officers before affecting the arrest.

Another officer arrived and was briefed by the first officer, following which Mr. B was again advised he was under arrest and officers took hold of him, one by each arm, and leaned Mr. B over the police car. The officers stated that Mr. B resisted their effort by attempting to move his body and pull his arms away. The officers acknowledged using approved techniques to control his arms, handcuffed him and applied necessary pressure to accomplish this. The officers reported that at one point Mr. B stated his arm was broken; however, there was no indication at the time or after that such an injury occurred. Mr. B declined the officers' offer to call emergency medical services subject to his calming down.

Officers stated that Mr. B was aggressive and threatening to them while being transported and booked into detention. Evidence of a third officer and officers in the detention unit who observed portions of the circumstances was consistent. The incident was not captured on any in-car video systems. Video surveillance recordings from the detention unit did not reveal any improper handling or suggest that Mr. B had suffered any injury.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and recommended that the conduct of the officers did not warrant disciplinary action.

The PCC was satisfied that Mr. B's concerns were thoroughly and impartially investigated and reviewed. His version of events and that of the officers was very consistent, except Mr. B did not indicate that he recalled the initial arrest by the lone officer. The PCC was satisfied that officers were in lawful execution of duty, there was authority to arrest Mr. B and the circumstances warranted an officer doing so. It is regrettable that Mr. B may have been injured in some manner by the actions of the officers; however this did not render the actions of the officers improper. It was not established that officers employed unnecessary violence.

The PCC concluded that improper action by the officers was not supported and, therefore, no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*.

Ms. M

Ms. M's complaint involved the actions of a police officer related to correspondence she anonymously provided to the auditor of a non-profit organization with which she was associated. She alleged that the officer abused his authority as a police officer, improperly accessed and disclosed information to others and was in a conflict of interest because he shared the information with a family member. The investigation was conducted by a PCC investigator, independent of the police service.

Ms. M sent correspondence to the external auditor of the non-profit organization to raise concerns in regards to the organization's financial affairs. She acknowledged that the correspondence was not signed and was sent via a public facsimile machine in a shopping mall. She feared being removed from the organization if she identified herself.

She learned that members of the non-profit organization came into possession of video evidence from the mall. Ms. M was identified as the sender of the anonymous correspondence from surveillance recordings in the area of the facsimile machine at the date and time the facsimile was sent. This resulted in Ms. M and her family being expelled from the organization.

As a result of her enquiries through other authorities, Ms. M believed the information was accessed and disclosed by a

police officer associated to the non-profit organization. She was informed that the police enquiry with mall security was based on her faxed correspondence being threatening, which Ms. M denied.

Representatives of the mall security authority advised it is their policy to co-operate with police requests for surveillance information related to police investigations. In this case, the search and disclosure of surveillance information was based on a verbal request from a police officer who purported to be conducting a criminal investigation. When questions about the disclosure surfaced later, mall security requested a supporting file number from the officer.

Police service reports, records and officers' notes and statements were reviewed. The subject officer was a senior and experienced member of the police service. There were no reports, records or documentation of any related police investigational file in the police information systems prior to the date that Ms. M had initiated her public complaint. It was also determined that the officer consulted a superior, again, after the fact. In the report summary, the officer stated that "The allegations were not of a criminal nature. Threatening was vague, monetary in nature and based on financial decisions. Related to likely conflict within the organization... No further policing involvement required." The reports indicate that the officer had not reviewed the questioned correspondence himself. There was no report related to custody of possible evidence that came into possession of the police officer.

The officer acknowledged that he obtained surveillance information from the mall security authority, based on information provided to him but without reviewing the associated correspondence which was suggested to be threatening. He also admitted that he disclosed information in the form of a digital image to a family member associated with the non-profit organization for the purpose of identifying the person involved. The officer stated that once Ms. M was identified as the person in the picture, it was agreed that the matter would be left with the organization to address.

The PCC's investigation determined there was nothing of a threatening nature, criminal or otherwise, stated or implied in Ms. M's faxed correspondence. Although members of the non-profit organization may have perceived the anonymous correspondence threatened their reputation, competence or integrity by questioning the operation of the non-profit group, the police officer did not take reasonable steps to determine that the correspondence contained threatening wording, remarks or innuendo that would support investigation of an offence related to uttering threats. The complaint information and the officer's actions were not properly reported or reviewed and possible evidence that came into his possession was not properly accounted for and safeguarded.

The PCC's completed investigation was forwarded to the Chief of Police for review. Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed the circumstances and recommended that the conduct of the officer warranted formal disciplinary action. To initiate the process, "Notice of Formal Discipline Proceedings "was served to the subject member alleging major offences against discipline in respect to Discreditable Conduct, Neglect of Duty and Improper Disclosure of Information. The subject officer had been placed on administrative leave in the interim.

Formal disciplinary proceedings pursuant to *The Police Act, 1990*, are a quasi-judicial legal process independent of the Chief of Police or the PCC. A range of sanctions, including dismissal of the subject officer, can be imposed by the appointed Hearing Officer.

The investigation resulted in formal disciplinary proceedings for violations of *The Municipal Police Discipline Regulations, 1991*, an outcome consistent with the public interest. The police officer retired prior to the commencement of the disciplinary proceedings.

Mr. P

Mr. P's complaint related to the actions of police officers who arrested and detained him. He alleged that the officers

used excessive force resulting in him being injured and the officers delayed in providing him with medical attention. The investigation was conducted by a PCC investigator.

Mr. P said that officers arrested him at about 5:20 a.m. and took him to the police station. Mr. P acknowledged that he had been partying and did not recall all of the circumstances. He knew that he was subject to a court order requiring him to abstain from alcohol, but he chose to have a drink to celebrate as it was New Year's Eve. There was no indication that Mr. P took issue with being arrested and detained or denied being under the influence of alcohol.

Mr. P disputed the allegation that he assaulted a police officer by spitting at him as the "spit didn't land on the cop." After the spit, Mr. P stated the officer(s) slammed his face to the floor resulting in two cuts on his forehead and one near his eye. Mr. P said that he asked for medical assistance several times and no one came to his aid, despite the pool of blood. Mr. P indicated that he either fell asleep or passed out from the loss of blood. He estimated it was four hours later when he was awakened, examined by paramedics, taken to hospital and received several stitches.

With Mr. P's consent, medical reports related to his injuries were reviewed confirming the injury he described. Emergency Medical Service (EMS) reports indicate that he was treated and bandaged in police cells. EMS personnel stated that attendance was made to the police cells between 6:00 and 6:15 a.m. at which time Mr. P was examined. There was minimal bleeding from a cut near the bridge of his nose and no bleeding from another cut; bandages were applied. They reported he was fighting examination and uncooperative. Later, at about 10:00 a.m., EMS attended Mr. P again in the cell block. Bandages had been removed from his injuries resulting in bleeding. Mr. P was transported to hospital by ambulance for further treatment. He was subsequently returned to police custody.

Police service reports, records, including closed circuit recordings from various areas in the police service building, and officers' notes and statements were reviewed. It was reported that officers were dispatched to a residence in respect to a family dispute. Officers were greeted at the door by a female with scrapes and bruises on her arms, supporting the report of a dispute, although this witness did not provide information that there had been a domestic violence incident.

Mr. P was located in a bedroom apparently asleep. He was aroused and identified. Officers reported that Mr. P displayed signs of alcohol consumption. Checks of police records indicated that he was subject to court orders which included conditions to abstain from alcohol and keep the peace and be of good behaviour. Mr. P was arrested about 5:30 a.m., handcuffed, taken to a police car and advised of his constitutional rights. Officers recorded Mr. P's responses which indicted verbal belligerence. Officers waited for another agency to attend related to a young child located at the residence and in the meantime, Mr. P became angry and upset and started kicking at the inside of the police car. Another police unit was requested, and Mr. P was transferred to that vehicle and taken to the police detention unit by another officer.

On arrival at the secure bay, three other officers were present. Mr. P was removed from the car and walked towards the cell block. Officers stated that he was agitated, yelling at officers and making verbal threats towards them and their families. Officers said that Mr. P turned and spit towards an officer, although that officer was unaware if the spit landed on him. To prevent further spitting Mr. P was forced to the floor and a "spit hood" applied. Officers were aware that he had been injured in the struggle as a small cut was noted on his forehead. It was reported that EMS were called shortly after and examined him in the cell. Mr. P was uncooperative with EMS personnel; he was bandaged but refused further treatment.

Security recordings, from several locations at the police service building during the period that Mr. P was in custody, support the officers' reports and information. Mr. P arrived at the police secure bay about 6:00 a.m., exited the vehicle and accompanied officers towards the entry to the cell area. Mr. P was observed to deliberately turn and spit at an officer as he passed. Officers struggled with him as he passed through a doorway and was taken to the floor. The audio record indicated that officers stated that Mr. P had spit at an officer and requested a "spit hood" and discussed the bleeding from his forehead leading to EMS being summoned. Six minutes

later, at 6:06 a.m., an ambulance and Emergency Medical Technicians (EMTs) were in attendance and examining Mr. P. Audible portions of conversations support information that Mr. P was not co-operative; nevertheless, he was examined and bandaged prior to EMTs departing. At 6:16 a.m. he was placed in a cell, restraints and spit hood removed, bandages were in place as he lay down to sleep.

At 9:20 a.m. a guard in the detention unit noted that Mr. P's bandage had been removed, and he was bleeding. The guard advised the supervisor of the circumstance. The supervisor was engaged in other duties away from the police service building. From the information the supervisor was provided, it was judged not to be an emergency and considering Mr. P's agitated and intoxicated state when booked earlier, two officers would be required to deal with Mr. P. There were no two person police units immediately available. Within a half an hour the supervisor attended the detention unit, summoned another officer and EMS, at which time Mr. P was removed to hospital for treatment.

A review of security recording(s) from the cell Mr. P occupied indicate that after sleeping for a period with the bandage on, he awoke about 7:50 a.m., removed the bandage and went back to sleep. At 9:15 a.m. he was observed to use the sink, became agitated, kick at the door and smear blood on the cell walls. Communications records confirm this was reported to the supervisor a few minutes later who sought information about the availability of other officers prior to the supervisor's return to the police service building. Mr. P was examined by EMTs about 10:11 a.m. and departed by ambulance a few minutes later. Although the closed circuit recording system in the police service building is in operation at all times, it is not continuously monitored by custodial staff. Prisoners are physically checked by custodial staff on a regular basis.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and recommended that the conduct of the officers did not warrant disciplinary action.

The PCC takes complaints about police officers' use of force and care for persons in custody very seriously. There were no significant contradictions in Mr. P's description of events and that of the officers, except Mr. P made no mention of the examination and treatment by EMS personnel within minutes of being injured when he was brought into the detention unit, or that he began bleeding later after he removed the bandage himself. It is established that this was responded to without undue delay. There was no basis to suggest that officers were neglectful in providing Mr. P medical assistance.

The PCC was satisfied the officers were in lawful execution of their duty to arrest and detain Mr. P. Spitting on another person, or attempting to do so, meets the definition of a criminal assault. The *Criminal Code* authorizes a police officer to use as much force as is necessary to prevent an assault or repetition of it, and to accomplish her/his duty, provided that s/he acts on reasonable grounds. Human bodily fluids are considered to be hazardous, and the use of a device which has been described as a "spit hood" is an accepted restraint as required. While it is regrettable that Mr. P may have been injured in the struggle, officers' actions to prevent him from spitting again were reasonable and justified.

The PCC determined that improper action by the officers was not supported and, therefore, no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*.

Ms. B

Ms. B's complaint related to the actions of several police officers, in particular the lead investigator, in respect to a complaint of sexual assault on her son. She alleged that the investigation was inadequate as it was not thorough and unbiased. The investigation of her public complaint was conducted by a PCC investigator.

From the information that Ms. B provided, she and her ex-spouse have a four year-old son. Ms. B residing in Saskatchewan and her ex-spouse in Alberta. There had been agreements and orders related to visitation arrangements, and both parties had legal counsel to assist in the situation.

That same month the father had an arranged visit at his parents' residence in Saskatchewan. After Ms. B's son returned

from the visit with his father, he made disclosures that she believed indicated improper sexual touching had occurred. She also believed there was change in her son's behavior and a rash associated to the incident.

She reported the incident to an RCMP detachment in Saskatchewan who referred the matter to WWWW, the municipal police service having jurisdiction. She was subsequently contacted by a municipal police officer. Ms. B facilitated the interview of her son by RCMP representatives. The municipal police officer spoke to her by phone on several occasions and she cooperated fully with the investigation. The officer advised Ms. B by telephone of the outcome of the investigation that charges would not proceed.

Ms. B indicated that she believed the police officer was biased towards her ex-spouse in the manner he was treated. The officer personally interviewed her ex-spouse while not affording Ms. B the same opportunity, and in the end, chose to believe her ex-spouse. This resulted in charges not being pursued related to the offence against her son.

Police records, reports and officers' notes and statements were reviewed. As the alleged offence occurred in the jurisdiction of a municipal police service, this was the police agency responsible for the investigation. The RCMP forwarded the information related to her complaint for necessary action, and an investigator was assigned. The investigational file documented the action taken.

For logistical reasons it is the usual practice to utilize the assistance of local police agencies for actions and enquiries in other locations. The primary investigator from WWWW conducted interviews of local witnesses and interviewed the alleged suspect, in part, because the ex-spouse voluntarily went to WWWW for that purpose. The investigator coordinated and arranged actions by other police agencies and reviewed the results. Ongoing review and direction by a supervising officer were documented.

The information and reports indicated that, although the information Ms. B provided about the history of the relationship and ongoing issues related to visitations by the father had some relevance, the purpose of the WWWW investigation was to find evidence suitable for criminal proceedings related to the reported improper touching that occurred in WWWW. Ms. B was not under investigation, and the information she provided was acted upon.

RCMP officers with specialized training and experience in interviewing children obtained disclosure from the victim. The related report, as well as the video of the interview, was reviewed by the WWWW investigator. Relevant medical reports were requested and reviewed. A polygraph examination was conducted by another police agency as an investigative aid, although the results of such examinations are not generally admissible in criminal proceedings.

Liaison maintained with Social Services representatives and Victim Services confirmed appropriate agencies were providing assistance to Ms. B and her son and taking action related to his welfare and supervising visits.

The investigator documented a number of contacts with Ms. B by telephone in an effort to maintain transparency and keep her informed as to the progress. She acknowledged, in the course of these communications, that she had been advised that her ex-spouse had not admitted wrong doing and this was not contradicted by the polygraph examination. The officer did not believe her son's disclosure was sufficiently strong to support charges without other support based on his age, communication skills and description of the alleged incident. The investigator agreed that Ms. B may have inferred that the investigator suggested charges would not proceed. However, at the time of Ms. B's public complaint, the investigation was not complete. There were further witnesses to be interviewed and the evidence was to be referred to the Crown prosecutor for review. The investigation was re-assigned to another investigator.

The completed investigation was provided to a prosecutor for review, which led to the decision not to proceed with a charge.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of the police service

reviewed the circumstances and recommended that the conduct of the officers did not warrant disciplinary action.

The PCC was satisfied that Ms. B's concerns were thoroughly investigated and reviewed. The matter she reported was very serious. Matters involving children where there is limited physical evidence and no witnesses to the offence are very challenging to bring before the courts. The PCC understood that Ms. B believed the lack of a prosecution indicates fault with the investigation.

Local police agencies providing assistance to other police services for action in their jurisdiction is a routine occurrence. Only in exceptional circumstances would police service investigators travel elsewhere to conduct investigations. Even then, the decision would not be made by the investigating officer.

It is understandable that Ms. B might suspect there was bias because the investigating officer appeared to treat her ex-spouse in a different manner than Ms. B by conducting his interview personally. Clearly the fact that Ms. B's ex-spouse travelled to WWWW voluntarily contributed to this course of action. It is accepted police practice to treat a suspect in such a manner as to maintain his/her co-operation with a view to their making an admission, contradictory statement or inadvertently providing evidence related to the offence through the continued contact. The polygraph process, despite the limitations of court admissibility, is an accepted investigative strategy and requires the subject's consent and co-operation.

Ms. B was not under investigation. There was no indication that investigator(s) doubted her belief that an offence had occurred based on what her child disclosed to his mother. Ms. B did not witness the incident. Evidence she could provide to confirm the child's visit with the father, what Ms. B saw and heard, information related to the history of the relationship and custody issues were not in question. There is no reason that Ms. B would have been subject to a polygraph examination.

The PCC understood that Ms. B was dissatisfied that charges were not laid; however, to support an allegation that an investigation is inadequate, there is a need to identify witness or other evidence that may have been missed or overlooked, beyond simple disagreement with the officers' or others opinion as to the preponderance of the evidence.

In these circumstances, the investigation was conducted by an experienced investigator, in timely fashion, subject to ongoing review and guidance by a serious crimes supervisor.

The Crown prosecutor, and subsequently the PCC investigator who is familiar with investigative techniques, did not identify shortcomings in investigation or investigational techniques. If Ms. B was aware of evidence that was not revealed by the investigation, there were opportunities to do so to the WWWW investigator, RCMP investigators or the PCC investigator(s). In the end, it was the decision of the prosecutor, who had reviewed all of the evidence, not to proceed with a charge. His decision is not within the purview of the Chief of Police or the PCC to review or make comment.

It is the expected practice that the complainant/victim be kept up to date and advised of the action taken and the outcome of police investigations. There may be advantages to this being done through personal contact for serious matters; however, when the complainant does not reside locally this is impractical. This was done by the lead investigator through a series of telephone communications. Ms. B may have understood that the police did not believe there was evidence to support a charge, and to some degree that may have been intended, to manage her expectations. However, the investigation was not entirely completed at the time of her public complaint, so the decision related to charges had not been taken.

The PCC concluded that improper action by the officer was not supported and, therefore, no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*.

Budget Allocation

The following figures show the approved budget for the 2014-15 fiscal year.

Approved Budget	$ 645,000
Actual Expenses	
Grant – FSIN, Special Investigations Unit	173,000
Salaries, Honorariums, Per Diems	439,000
Operating Expenses	78,000
	$ 690,000

Government
of
Saskatchewan